

# Windsor Subdivision Regulations

**Approved by the  
Windsor Selectboard  
March 25, 2003**

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# **WINDSOR SUBDIVISION REGULATIONS**

## **[Approved March 25, 2003]**

### **Table of Contents**

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|  |                |
|--|----------------|
| <b>Article 1. Authority &amp; Purpose</b>  | <b>Page 1</b>  |
| Section 1.1    Enactment and Authority   | Page 1         |
| Section 1.2    Purpose   | Page 1         |
| Section 1.3    Adoption & Amendment  | Page 2         |
| Section 1.4    Severability  | Page 2         |
| <b>Article 2. Subdivision Application Procedures</b>                                   | <b>Page 3</b>  |
| Section 2.1    Applicability   | Page 3         |
| Table 2.1 Subdivision Review Process Summary   | Page 4         |
| Section 2.2    Sketch Plan Review Phase [applying to all applications for subdivision] | Page 5         |
| Section 2.3    Preliminary Plan Review [applying only to major subdivisions]           | Page 6         |
| Section 2.4    Final Plan Approval [applying to all applications for subdivision]      | Page 7         |
| Section 2.5    Plat Recording Requirements [applying to all approved subdivisions]     | Page 7         |
| Section 2.6    Coordination with Zoning Permits  | Page 8         |
| Section 2.7    Revisions to an Approved Plat   | Page 8         |
| Table 2.2 Subdivision Application Requirements   | Page 9         |
| <b>Article 3. Planning and Design Standards</b>  | <b>Page 11</b> |
| Section 3.1    General Standards   | Page 11        |
| Section 3.2    Protection of Fragile Features & Natural and Cultural Resources         | Page 12        |
| Section 3.3    District Settlement Patterns  | Page 15        |
| Section 3.4    Storm Water Management and Erosion Control                              | Page 16        |
| Section 3.5    Community Services & Facilities   | Page 16        |
| Section 3.6    Roads, Driveways & Pedestrian Access                                    | Page 17        |
| Table 3.1 Minimum Lane & Shoulder Widths for Rural Roads                               | Page 18        |
| Section 3.8    Water Supply and Wastewater Disposal                                    | Page 21        |
| Section 3.9    Utilities   | Page 21        |
| Section 3.10   Dedication of Open Space and Common Land                                | Page 22        |
| <b>Article 4. Administration &amp; Enforcement</b>                                     | <b>Page 24</b> |
| Section 4.1    Administration  | Page 24        |
| Section 4.2    Fees  | Page 24        |
| Section 4.3    Hearing Notice Requirements   | Page 24        |
| Section 4.4    Enforcement & Penalties   | Page 24        |
| Section 4.5    Appeals   | Page 25        |
| Section 4.6    Town Recording Requirements   | Page 25        |
| <b>Article 5. Definitions</b>  | <b>Page 26</b> |
| Section 5.1    Interpretation  | Page 26        |
| Section 5.2    Definitions   | Page 26        |

# ARTICLE 1. AUTHORITY & PURPOSE

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## SECTION 1.1 ENACTMENT AND AUTHORITY

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §4401 and §4413 through §4421], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Windsor, Vermont. These regulations shall be known and cited as the “Windsor Subdivision Regulations.”

(B) It is the policy of the Town of Windsor to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Development Review Board and filed in the Windsor Land Records.

## SECTION 1.2 PURPOSE

(A) These regulations are adopted to further the following objectives:

- (1) to guide future development in accordance with the *Windsor Town Plan*, Zoning Bylaw, and all other municipal bylaws and regulations enacted to implement the plan;
- (2) to guide development in a manner that maintains the traditional settlement pattern of compact villages surrounded by an open, rural landscape;
- (3) to ensure that land to be subdivided is of such character that it can be used safely for its intended purposes;
- (4) to establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns;
- (5) to protect and provide for the public health, safety, and general welfare of the Town of Windsor;
- (6) to promote the conservation of energy or to permit the utilization of renewable energy resources;
- (7) to ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve any proposed subdivision;
- (8) to preserve natural areas, critical habitat, scenic and historic resources and productive farm and forest land through the proper configuration of parcel boundaries and arrangement and location of development on parcels;
- (9) to provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic; and to avoid undue traffic congestion and overburdening of roads and highways;
- (10) to further the purposes contained in the Act as set forth in §4302.

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| <p><b>Subdivision:</b> The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.</p> |
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### **SECTION 1.3 ADOPTION & AMENDMENT**

(A) In accordance with the Act [§4404], these regulations shall take effect 21 days after the date of their adoption by the Windsor Selectboard. The subdivision regulations for the Town of Windsor in effect prior to the adoption of these regulations are hereby repealed as of the effective date of these regulations.

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4403, 4404].

(C) As provided in the Act [§4443(d)], after a public hearing of the Selectboard has been warned to consider adoption of these regulations in accordance with this Section, or an amendment to these regulations subsequent to their adoption, applications for subdivision approval shall be reviewed in accordance with the procedures and standards set forth in both the proposed regulations or amendment and the subdivision regulations then in effect. In the event of a conflict between the proposed regulations or amendment and the regulations then in effect, the most restrictive provision shall apply. Review under both current and proposed regulations shall occur for a period of 150 days from the date of the first warning or until the proposed regulations or amendment are adopted or rejected by the voters, whichever occurs first.

### **SECTION 1.4 SEVERABILITY**

(A) If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

## ARTICLE 2. SUBDIVISION APPLICATION PROCEDURES

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### SECTION 2.1 APPLICABILITY

(A) **Subdivision Approval Required.** Whenever any subdivision of land is proposed, the subdivider or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in these regulations prior to:

- commencing any construction, land development or land clearing (excluding forestry or agriculture and activities exempted from zoning permit requirements under Section 6.0 of the *Windsor Zoning Regulations*);
- the issuance of any permit for any land development involving land to be subdivided;
- the sale or lease of any subdivided portion of a property (excluding parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices); and/or
- the filing of a subdivision plat with the Town Clerk.

**Minor Subdivisions** shall include lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or the division of any parcel into not more than 4 lots; or, as determined by the Development Review Board in accordance with Section 2.2.

**Major subdivisions** shall include the division of any parcel into 5 or more lots. The Development Review Board may determine, however, that any subdivision requiring any new public or private road greater than 800 feet in length or any combination of public and private roads and private driveways with a cumulative length greater than 2,000 feet ; or any subdivision in which access will be provided by a Class 4 Road, is subject to major subdivision review in accordance with Section 2.3.

(B) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the Development Review Board as minor subdivisions or major subdivisions, as defined herein, following the Board's approval of a Sketch Plan Review submitted in accordance with Section 2.2.

(C) **Boundary Adjustments.** The adjustment to a boundary between two adjoining parcels which does not result in the creation of a new lot shall be considered a minor subdivision. Applications for boundary adjustments which the Administrative Officer determines will not result in the creation of a non-conforming lot, or the significant increase of the development density of one or more lots, is exempted from the discussion phase (Section 2.2) and may proceed immediately to final plat approval (Section 2.4).

(D) **Coordination with Planned Unit or Planned Residential Development Review.** Subdivision applications for Planned Unit or Planned Residential Developments (PUDs and PRDs) shall be reviewed as major subdivisions in accordance with this Article. Site plan review under Section 5.2 of the *Windsor Zoning Regulations* or conditional use review under Section 5.3 of those regulations may occur concurrently with subdivision review if all application and procedural requirements pertaining to each respective review process are met. PUDs and PRDs shall meet the standards set forth in Section 5.5 of the *Windsor Zoning Regulations*, as well as subdivision standards included in Article 3, unless otherwise waived by the Development Review Board.

| <b>Table 2.1</b><br><b>Subdivision Review Process Summary</b>  |   |
|--|---|
| <b>Action:</b>   | <b>Responsibility:</b>  |
| <b><u>Sketch Plan Review Phase</u> [all subdivisions, except boundary adjustments; see Section 2.2]:</b>   |   |
| (1) Submission of sketch plan and any request for waiver   | Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting |
| (2) Development Review Board meeting   | Applicant (or authorized representative) attendance required                                |
| (3) Classification of subdivision as minor or major; written sketch plan approval & design changes   | Development Review Board; within 30 days of completion of the discussion phase              |
| <b><u>Minor Subdivision</u> [4 or fewer lots, boundary adjustments, or as determined by Development Review Board; see Section 2.4]:</b>  |   |
| (1) Submission of final subdivision plan, including any waiver requests; documentation of design changes and/or strategies to address Board issues raised during Discussion Phase (sketch plan review); proposed plat and supporting documentation | Applicant; within 6 months of the date of sketch plan approval                              |
| (2) Development Review Board public hearing  | Development Review Board; within 30 days of receipt of the final subdivision plan           |
| (3) Subdivision/plat approval  | Development Review Board; within 45 days of the hearing adjournment date                    |
| (4) Final plat recording in the town records   | Applicant; within 90 days of the date of the subdivision approval                           |
| <b><u>Major Subdivision</u> [other than minor; see Section 2.3]:</b>   |   |
| (1) Submission of preliminary subdivision plan including any waiver requests, documentation of design changes and/or strategies to address Board issues raised during Discussion Phase (sketch plan review); supporting documentation              | Applicant; within 6 months of the date of sketch plan approval                              |
| (2) Development Review Board public hearing  | Development Review Board; within 30 days of receipt of the preliminary subdivision plan     |
| (3) Preliminary subdivision/plat approval  | Development Review Board; within 45 days of the adjournment of the hearing                  |
| (4) Submission of final subdivision plan, including the final plat, documentation of compliance with preliminary approval and other supporting documentation   | Applicant; within 6 months of the date of preliminary plan approval                         |
| (5) Final Development Review Board public hearing  | Development Review Board; within 30 days of receipt of the final subdivision plan           |
| (6) Final subdivision/plat approval  | Development Review Board; within 45 days of the hearing adjournment date                    |
| (7) Final plat recording   | Applicant; within 90 days of the date of final subdivision and plat approval                |

(E) **Waiver Authority.** In accordance with the Act [§4413(b)], the Development Review Board may waive or vary, subject to appropriate conditions:

- application requirements;
- preliminary plat review and associated public hearing requirements; and
- development review standards set forth in Article 3.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Board to reach a decision. In granting waivers, the Board shall require such conditions as will in its judgement secure substantially the objectives of any waived or varied provisions of these regulations.

## **SECTION 2.2 SKETCH PLAN REVIEW PHASE [APPLYING TO ALL APPLICATIONS FOR SUBDIVISION]**

(A) **Submission of Sketch Plan.** The applicant shall submit to the Administrative Officer, at least 15 days prior to a regularly scheduled Development Review Board meeting, a sketch plan that includes the information for the discussion phase specified in Table 2.2.

(B) **Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Board, to discuss the subdivision application and proposed sketch plan. At this meeting the Board may request any additional information as needed to act on the sketch plan.

(C) **Action on Sketch Plan** Within 30 days of finding that an application is complete, the Development Review Board, based on the information provided, shall issue in writing:

- (1) A determination of whether the subdivision is a minor subdivision to be reviewed under Section 2.4, or major subdivision to be reviewed under Sections 2.3 and 2.4. In making such a determination, the Development Review Board may classify a subdivision as a major subdivision, regardless of the number of lots proposed, in the event that the proposed subdivision poses a significant threat of an undue adverse impact to a fragile feature or scenic resource identified in the *Windsor Town Plan* or through site investigation.
- (2) The granting or denial of requested waiver provisions.
- (3) A preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with the goals, objectives and policies of the *Windsor Town Plan* and other municipal regulations currently in effect.
- (4) Recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation.

Meeting minutes, approved by the Development Review Board and delivered to the applicant, may satisfy the requirements for a written response under this section.

(D) **Effect of Sketch Plan Determinations.** Development Review Board determinations and associated recommendations shall remain in effect for 6 months from the date of issuance, unless otherwise approved or extended in the written determinations issued by the Development Review Board. Within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan approval under Section 2.3 for major subdivisions and final plan and plat approval under Section 2.4 for minor subdivisions.

(E) **Boundary Adjustments.** Applications for boundary adjustments which are determined by the Administrative Officer to not result in the creation of a non-conforming lot, or the significant increase of the development density of one or more lots, may be exempted from sketch plan review requirements and proceed immediately from initial application to final plat approval.

### **SECTION 2.3 PRELIMINARY PLAN REVIEW [APPLYING ONLY TO MAJOR SUBDIVISIONS]**

(A) **Application Requirements.** Within 6 months of the date of action on a sketch plan and determination that the subdivision is major by the Development Review Board, the applicant shall submit an application and associated fees for preliminary plan approval to include the information required for preliminary plan review as specified in Table 2.2, unless otherwise specified or waived by the Board under Section 2.1(E).

(B) **Waiver for Large Parcels.** Subdivisions involving especially large parcels, such as the subdivision of a single two acre lot from an existing 100 acre parcel, may, at the discretion of the Development Review Board, be exempted from one or more application requirements for the bulk of the parcel being subdivided (e.g., such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed). In granting such an exemption, the Development Review Board shall require that a portion of the subdivision (e.g. the two acre lot in the preceding example) comply with these requirements.

(C) **Public Hearing.** The Administrative Officer shall schedule a public hearing of the Development Review Board, warned in accordance with Section 4.3, to consider the complete preliminary plan application. Incomplete applications will not be reviewed by the Board. Copies of complete applications for preliminary plan approval shall be available for review by local officials (e.g., Public Works Director, Emergency Service providers) and interested persons prior to the public hearing.

(D) **Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article 3, or would be in conflict with the town plan and other municipal regulations in effect. The Development Review Board may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of a preliminary plan shall be effective for a period of 6 months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written notice of decision.

(E) **Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the town plan and capital budget and program currently in effect. Conditions may be imposed upon the filing of application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the project and to avoid overburdening town facilities and services.

(F) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of local agencies having jurisdiction over the project (e.g., Selectboard, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan approval under Section 2.4.



## **SECTION 2.4 FINAL PLAN APPROVAL [applying to all applications for subdivision]**

(A) **Application Requirements.** Within 6 months of the date of sketch plan approval for minor subdivisions, or preliminary plan approval for major subdivisions, unless otherwise waived by the Development Review Board, the subdivider shall submit an application for final subdivision plan approval, including plat approval. If the subdivider fails to do so, s/he will be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a new preliminary plan, for approval subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Board under 2.2(C), four copies of the information for final plan and plat review specified under Table 2.2.

(B) **Waiver for Large Parcels.** Subdivisions involving especially large parcels, such as the subdivision of a single two acre lot from an existing 100 acre parcel, may, at the discretion of the Development Review Board, be exempted from one or more application requirements for the bulk of the parcel being subdivided (e.g., such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed). In granting such an exemption, the Development Review Board shall require that a portion of the subdivision (e.g. the two acre lot in the preceding example) comply with these requirements.

(C) **Public Hearing.** In accordance with the Act [§4414], within 30 days of the date that the Development Review Board deems that a final plan application is complete, the Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the regional planning commission (Southern Windsor Regional Planning Commission ), and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. Copies of complete applications for final plan approval shall be available for review by local officials (e.g., Public Works Director, emergency service providers) and interested persons prior to the public hearing.

(D) **Final Plan Approval.** In accordance with the Act [§4415], within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3, or would be in conflict with the town plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, as certified by the Town Clerk . Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45 day period.

(E) **Effect of Final Plan Approval.** Development Review Board approval of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. Each approval for a final plan shall contain a time limit within which all improvements shall be completed, not to exceed 3 years unless otherwise required or extended by the Development Review Board.

## **SECTION 2.5 PLAT RECORDING REQUIREMENTS [applying to all approved subdivisions]**

(A) In accordance with the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 2.4(C), the applicant shall file two copies of the final subdivision plat, for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 90 day period shall expire.

(B) Prior to plat recording, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

*"The subdivision depicted on this plat was duly approved, as conditioned, by the Windsor Development Review Board in accordance with the Windsor Subdivision Regulations and all other applicable laws and regulations on the \_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_. Subdivision Permit# \_\_\_\_\_. Signed: \_\_\_\_\_ [Development Review Board Chair or Vice-Chair]."*

The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(C) Every subdivision plat shall show all proposed rights-of-way and easements as required under these regulations. Documentation and assurances shall be provided that all required improvements and associated rights-of-way and easements and other common lands or facilities will be adequately maintained either by the subdivider, a homeowners' association, or through other accepted legal mechanism. Such documentation shall be in a form approved by the Development Review Board and filed in the Windsor Land Records.

(D) The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the Selectboard in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not greater than 3 years from the date of completion. With the mutual written consent of the Board and applicant, such bond or security may be extended for an additional period not to exceed 3 years. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

(E) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

## **SECTION 2.6 COORDINATION WITH ZONING PERMITS**

Prior to the issuance of a zoning permit for development on any subdivided lot approved under these regulations, the Administrative Officer will determine whether said lot and the proposed development is in compliance with all conditions of subdivision approval. The Administrative officer shall not issue a zoning permit for any development that is not in compliance with such approval, or for any lot that is in violation of a condition of approval.

## **SECTION 2.7 REVISIONS TO AN APPROVED PLAT**

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Development Review Board as a minor subdivision and the Board approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

**Table 2.2  
Subdivision Application Requirements**

|   | <b>Sketch Plan</b>                              | <b>Preliminary Plan</b>  | <b>Final Plan</b>  |
|---|---|--|--|
| <b>(A) Application Information</b>  |   |  |  |
| Application Form [number of copies]   | <b>2</b>  | <b>2</b>   | <b>2</b>   |
| Application Fee   | ✓   | ✓  | ✓  |
| Name of project, if any   | ✓   | ✓  | ✓  |
| Name, address of applicant (landowner and subdivider, if different)   | ✓   | ✓  | ✓  |
| Written description of proposed development plans, including Number and size of lots; general timing of development   | ✓   | ✓  | ✓  |
| Waiver request, in writing [optional]   | ✓   | ✓  |  |
| Evidence of written notification to adjoiners of intent to Subdivide; to include copies of any waiver request if any*   |   | ✓  | ✓  |
| <b>(B) Plan/Plat Mapping Requirements</b>   | <b>Sketch</b>                                   | <b>Prelim. Plan</b>  | <b>Final Plan</b>  |
| Materials   | Paper   | Paper  | Mylar  |
| Date, North Arrow, Legend   | ✓   | ✓  | ✓  |
| Preparer Information, Revision Dates, Certifications  | ✓   | ✓  | ✓  |
| Scale (not greater than 1 inch = 200' unless waived for large parcels)  | ✓   | ✓  | ✓  |
| Project boundaries and property lines   | Drawn   | Drawn  | Surveyed   |
| Existing and proposed lot lines, dimensions   | Drawn   | Drawn  | Surveyed   |
| Adjoining land uses, roads and drainage   | ✓   | ✓  | ✓  |
| Zoning district designations and boundaries   | ✓   | ✓  | ✓  |
| Location of all significant natural features, including but not limited to:<br>- slopes with a gradient of 25% or greater;<br>- critical wildlife habitat;<br>- historic sites and features, including stone walls;<br>- flood hazard areas, surface waters, wetlands and associated buffer areas; and<br>- other significant geologic features and landforms, including prominent knolls and ridgelines. | General location based on available maps & data | Specific boundaries, unless waived because of limited potential impact | Specific boundaries, unless waived because of limited potential impact |
| Existing and proposed elevations, contour lines within 100 feet of any site development (e.g., driveway) and development envelope*  |   | 5' interval  | 5' interval  |
| Existing and proposed roads, paths, parking areas, associated rights-of-way or easements  | Drawn   | Drawn  | Surveyed   |
| Proposed utilities, water and wastewater systems and associated rights-of-way or easements*   |   | ✓  | ✓  |
| Proposed development envelopes*   |   | ✓  | ✓  |
|   |   |  |  |

|  |                    |                         |                   |
|--|--------------------|-------------------------|-------------------|
| Monument locations   |                    |                         | ✓                 |
| <b>Table 2.2 Subdivision Application Requirements (cont.)</b>  |                    |                         |                   |
| <b>(B) Plan/Plat Mapping Requirements (continued)</b>  | <b>Sketch</b>      | <b>Draft Plan</b>       | <b>Final Plan</b> |
| Road profiles; road, intersection and parking area geometry and construction schematics*                             |                    | ✓                       | ✓                 |
| Proposed landscaping and screening*  |                    | ✓                       | ✓                 |
| Proposed conservation buffer and/or easement areas*  |                    | ✓                       | ✓                 |
| Notation prepared in accordance with Section 2.5   |                    |                         | ✓                 |
| Reduced (11' x 17") copies of proposed plan [number of copies]   | 8                  | 8                       | 8                 |
| <b>(C) Supporting Information &amp; Documentation</b>  | <b>Sketch Plan</b> | <b>Preliminary Plan</b> | <b>Final Plan</b> |
| Site location map showing proposed subdivision in relation to Major roads, drainage ways, and adjoining properties   | ✓                  | ✓                       | ✓                 |
| Statement of compliance with the town plan and applicable local regulations  | ✓                  | ✓                       | ✓                 |
| Engineering reports (water and wastewater systems)   |                    | ✓                       | ✓                 |
| Existing and proposed traffic generation rates, volumes*   |                    | Estimated               | Documented        |
| Off-site easements (e.g., for water, wastewater, access)*  | Description        | Draft                   | Final             |
| Proposed phasing schedule*   | Description        | Draft                   | Final             |
| Proposed covenants and/or deed restrictions*   | Description        | Draft                   | Final             |
| Proposed homeowner or tenant association or agreements*  | Description        | Draft                   | Final             |
| Proposed performance bond or surety*   |                    | Description             | Final             |
| <b>(D) As may be required by the Development Review Board</b>  |                    |                         |                   |
| Stormwater and erosion control plan  |                    |                         |                   |
| Grading plan (showing proposed areas of cut and fill)  |                    |                         |                   |
| Building footprints  |                    |                         |                   |
| Open space management plan   |                    |                         |                   |
| Site reclamation plan (for subdivisions involving extraction)  |                    |                         |                   |
| Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements) |                    |                         |                   |
| Visual impact analysis and mitigation plan   |                    |                         |                   |
| Wildlife habitat impact assessment and mitigation plan   |                    |                         |                   |
| Fiscal impact analysis (analysis of fiscal costs and benefits to the town)   |                    |                         |                   |
| Other  |                    |                         |                   |
|  |                    |                         |                   |

## ARTICLE 3. PLANNING AND DESIGN STANDARDS

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### SECTION 3.1 GENERAL STANDARDS

(A) **Character of the Land.** Prior to the approval of a subdivision, the applicant shall satisfy the Board that the land to be subdivided is of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the rural character and natural beauty of the community.

(B) **Conformance with the Town Plan & Other Regulations.** Subdivisions shall conform to the town plan, zoning regulations, capital budget and program, and all other bylaws, ordinances and regulations of the Town of Windsor currently in effect.

(C) **Lot Layout.** The layout of lots shall conform to the town's zoning regulations. The following standards shall apply to all subdivisions:

- (1) Corner Lots. Corner lots shall have sufficient width to permit a front yard setback on each street.
- (2) Side Lots. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- (3) Lot Shape. Lots with irregular shapes (curves, jogs, dog-legs, etc.) should not be created unless warranted by conditions of topography, the location of natural features or existing road conditions.
- (4) Lot Size and Density. Lot sizes and densities in the zoning regulations are a minimum standard; lower densities and/or larger lot sizes may be required by the Development Review Board based on prevailing site conditions and the potential impact on fragile features and natural and cultural resources. Densities may be increased by the Development Review Board only for planned residential and planned unit developments under Section 5.5 of the *Windsor Zoning Regulations*.
- (5) Frontage Requirements. Lots shall meet minimum lot frontage requirements for the zoning district in which they are located, unless the lot is approved as part of a planned residential or planned unit development under Section 5.5 of the *Windsor Zoning Regulations*. The Development Review Board may, however, allow for the creation of a lot that does not meet the minimum frontage requirement in accordance with Section 4.1 of the *Windsor Zoning Regulations*. Such lots may be approved if it will result in a subdivision design which better achieves the standards set forth in this Article than would otherwise be possible without the reduced frontage, and providing that the reduced frontage will not result in an increase in density beyond what is otherwise allowed under the zoning regulations.

(D) **Monuments & Lot Corner Markers.** Permanent monuments and corner markers shall be placed in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying. At a minimum, monuments shall be placed at four perimeter points on all subdivided parcels and at street intersections and points of curvature. All monuments shall be installed prior to the sale of any subdivided lot(s).

(E) **Landscaping & Screening.** The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Board, may be required in the following instances:

- (1) to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a fifty (50) feet buffer shall be established from the mean water level of any stream and/or the delineated boundary of an identified wetland.
- (2) to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
- (3) to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Board deems it appropriate;
- (4) to preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat; and/or
- (5) to establish a barrier between incompatible land uses.

(F) **Energy Conservation.** To conserve energy, all subdivisions shall use the least amount of area for road-ways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (e.g., planned residential and planned unit development) should be considered wherever feasible. The siting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

(G) **Disclosure of Subsequent Development Plans.** Whenever an applicant submits a proposal for development on a minor portion of a parcel the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

### **SECTION 3.2 PROTECTION OF NATURAL & CULTURAL RESOURCES**

(A) **Suitability of Land for Subdivision.** All land to be subdivided shall be, in the judgement of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, the Board may require that applicants provide a detailed site analysis identifying all fragile features and natural and cultural resources described below, the impact of the proposed subdivision on those resources, and the protection measures proposed to avoid or mitigate those impacts.

(B) **Establishment of Development Envelopes.** The Development Review Board may require the designation of development envelopes to protect natural and cultural resources described in this Section, and to ensure the maintenance and/or extension of district settlement patterns as described in Section 3.3. Development envelopes, when required, shall be configured to limit the location of one or more site improvement on the subdivided lot, including principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements). In the event no development envelope is required, subsequent development on the subdivided lot shall comply with all applicable zoning standards. The Board may require the identification of specific building footprints if, in their judgement, such information is required to meet the standards set forth in these regulations.

(C) **Protection of Wetlands, Floodplains and Surface Waters.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid any adverse impact to wetlands, floodplains, streams and rivers. Methods for avoiding such impacts include but may not be limited to the following:

- (1) Within the Rural District and Resource 10 and Resource 25 Districts, lot boundaries shall be configured to prevent the fragmentation of floodplain or wetlands unless appropriate legal mechanisms are put in place to ensure permanent protection.
- (2) Development envelopes and the layout of roads, driveways and utilities shall be located and sized to exclude these features, except as provided under subsection (3), below. At a minimum, development envelopes and associated site improvements shall be setback the minimum distance required under existing zoning regulations.
- (3) Buffer areas sufficient in width to protect the identified feature(s) shall be designated; disturbance within buffer areas shall be limited to the minimum clearing and excavation necessary to create and maintain:
  - a. road, driveway and utility crossings;
  - b. streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations;
  - c. bicycle and pedestrian paths and trails; and/or
  - d. public recreation facilities and improved river/lake accesses (e.g., swim-holes, boat launches, fishing accesses).
- (4) Shoreline, riparian areas and wetlands, and adjacent buffer lands, should be designated as open space.

(D) **Protection of Steep Slopes, Prominent Hilltops & Ridgelines.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts to slopes greater than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on prominent hilltops and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude these features. In the event that development on slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation and/or filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion control plan for the property, in accordance with Section 3.4, as a condition of approval.
- (2) Excavation, filling and development on slopes in excess of 25% shall be avoided.
- (3) Development envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent hilltops.
- (4) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.
- (5) Land characterized by steep slopes, shallow soils, prominent knolls and ridgelines should be designated as open space.

(E) **Protection of Wildlife Habitat & Natural Areas.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts on critical wildlife habitat, including

travel corridors, and natural areas identified in the *Windsor Town Plan*, by the Vermont Department of Fish & Wildlife, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude identified natural areas and wildlife habitat, including deer wintering areas and other critical habitats. A buffer area of adequate size shall be established to ensure the protection of critical habitat.
- (2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance the those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.
- (3) Roads, driveways and utilities shall be designed to avoid the fragmentation of identified natural areas and wildlife habitat.
- (4) Identified natural areas and critical wildlife habitat should be designated as open space.

(F) **Protection of Historic & Cultural Resources.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the *Windsor Town Plan*, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- (1) Historic features, including stone wall and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.
- (2) Prior to development on sites that have been identified as being archaeologically sensitive in the town plan or through site investigation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) **Protection of Farm Land.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid the encroachment of development onto prime and statewide agricultural soils and other open farmland. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Buildings and associated building lots should be clustered to avoid the fragmentation of productive farm land. Land characterized as primary agricultural soils shall not be subdivided in a manner that will prevent agricultural use.



- (3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
- (4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.
- (5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

(H) **Modifications for Compact Development.** Notwithstanding this section, the Development Review Board may waive or modify one or more of the above standards within the Medium Density Residential (MDR) Districts, High Density Residential (HDR) District, Central Business (CB) District and Industrial District, or within a planned residential or planned unit developments, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

### **SECTION 3.3 DISTRICT SETTLEMENT PATTERNS**

(A) All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the *Windsor Zoning Regulations* and the *Windsor Town Plan*. To this end, the following standards shall apply to subdivisions within the respective districts.

- (1) Subdivision within the Medium Density Residential (MDR) Districts and High Density Residential (HDR) District shall be designed to reflect the historic character of the surrounding area. Subdivisions should be configured to reinforce gateways to the historic village, with development envelopes and lots designed to maintain the contrast between compact neighborhoods and surrounding countryside. Lot sizes should be consistent with traditional densities within the respective districts, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian facilities may be required in accordance with subsection 3.6(M).
- (2) Subdivisions within the Central Business (CB) District shall be designed to reflect the district's purpose of supporting a compact, pedestrian-scale, mixed-use urban core. Lot sizes should promote compact development at relatively high densities, and development envelopes should be located to maintain a consistent building line and streetscape along public roads or other organizing feature (e.g., village green, plaza). Sidewalks and other pedestrian facilities may be required in accordance with subsection 3.6(M).
- (3) Subdivisions within the Roadside Business (RB) District and the Industrial (I) District shall be designed so that development envelopes ensure that anticipated development will comply with the standards set forth in Section 5.2(D) of the *Windsor Zoning Regulations* regarding the location and arrangement of buildings and landscaping relative to the street. Parcels with direct access onto Route 5 shall make provision for driveway or road access to be shared between subdivided lots.
- (4) Subdivisions within the Resource-10 (RES-10) Districts, Rural (RUR) District and Low Density Residential (LDR) District shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls and open fields.

- (5) Subdivisions within the Resource-25 (RES-25) District shall be designed and configured to preserve existing forest resources and fragile features, and to maintain traditional land uses including wildlife habitat, forest management, limited agriculture, watershed protection and recreation. Lots created in the Resource District shall not result in the development of fragile features identified in the *Windsor Town Plan*, or through site investigation, including critical habitat, wetlands, and steep slopes.

#### **SECTION 3.4 STORM WATER MANAGEMENT & EROSION CONTROL**

(A) Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff and prevent sedimentation and water pollution on-site and downstream from the proposed subdivision.

(B) The Development Review Board may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources and the U.S. Natural Resource Conservation Service, and shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities. In approving a stormwater management and/or erosion control plan, the Board may consult with appropriate local and state officials (e.g., VANR, Town Engineer).

(C) In instances in which a stormwater management plan is required, control of stormwater runoff flows from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for a 2-year, 24 hour event. Additional control of treated stormwater (e.g., for 10- or 25-year or 100-year, 24 hour storm events) may be required if site specific considerations warrant the attenuation of larger storm events.

(D) If a subdivision will result in changes in flow type, flow channel, increased stormwater discharge or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.

(E) Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service or other appropriate regulatory body. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Development Review Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

#### **SECTION 3.5 COMMUNITY SERVICES & FACILITIES**

(A) **Municipal Facilities & Services.** The proposed subdivision shall not create an undue burden on municipal facilities or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program. In determining whether a subdivision will place an undue burden on facilities or services, the Board may consult with the appropriate municipal body (e.g., Town Administrator, School Board).

(B) **Emergency Service Facilities.** Adequate water storage or distribution facilities for fire protection within the subdivision may be required to the satisfaction of the Development Review Board. Where required by the Board, fire hydrants, dry hydrants, or ponds shall be installed by the subdivider. The Board may require documentation from the Windsor Fire Department and/or other emergency service providers as to the adequacy of emergency access and fire protection facilities.

### **SECTION 3.6 ROADS, DRIVEWAYS & PEDESTRIAN ACCESS**

(A) **Applicability of Road Standards.** These standards apply to all proposed public roads and to private roads serving four or more lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide suitable access to, or to accommodate anticipated future subdivision.

(B) **Acceptance of Private Roads.** Acceptance of private roads by the town is subject to the approval of the Windsor Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance. In the event the Windsor Selectboard agrees to accept a road associated with an approved subdivision, the terms of acceptance, including road construction standards, inspection, and maintenance, shall be prescribed in an agreement approved by the Selectboard. Such agreement may be included as a condition of subdivision approval, and such approval may specify the timing of development on subdivided lots to ensure coordination with the terms of the agreement between the Selectboard and subdivider.

(C) **Road Design.** All roads serving proposed subdivisions shall be designed in accordance with applicable municipal road policies adopted and administered by the Selectboard, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, dated October, 1997, or as most recently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of 50 feet in width.
- (2) To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. The design standards for rural roads are included in Table 3.1. The standards set forth in Table 3.1 shall be considered the maximum standards, although the Development Review Board may modify such standards for subdivisions to achieve the following:
  - a. to ensure pedestrian and vehicular safety;
  - b. when the strict application of the standards would adversely impact the scenic character and/or natural resources or features located on the site; and,
  - c. for developments located within the within the Medium Density Residential (MDR) Districts, High Density Residential (HDR) District, Central Business (CB) District and Industrial District, or within a planned residential or planned unit developments, which should comply with the state's standards for urban and village roads.
- (3) Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the town plan.

- (4) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for on-street parking, emergency vehicle access, snow removal, collector and arterial roads), or to safely accommodate shared use by bicycles.
- (5) Permanent dead end roads and cul-de sacs shall be discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead end road shall be permitted without a suitable turn around at its terminus. "T" or "Y" configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than 30 feet may also be considered as appropriate.

| <b>Table 3.1</b><br><b>Minimum Lane and Shoulder Widths for Rural Roads</b>  |                             |       |        |         |          |           |       |
|--|-----------------------------|-------|--------|---------|----------|-----------|-------|
| Design Volume (ADT)  | 0-25                        | 25-50 | 50-100 | 100-400 | 400-1500 | 1500-2000 | 2000+ |
| Design Speed (mph)   | Width of Lane/Shoulder (ft) |       |        |         |          |           |       |
| 25   | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 30   | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 35   | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 40   | 7/0                         | 8/0   | 9/2    | 9/2     | 9/2      | 10/3      | 11/3  |
| 45   | ---                         | ---   | 9/2    | 9/2     | 9/2      | 10/3      | 11/3  |
| 50   | ---                         | ---   | 9/2    | 9/2     | 10/2     | 10/3      | 11/3  |
| Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997. |                             |       |        |         |          |           |       |

- (6) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, for any 50 feet section, exceed an average grade of 10%.
- (7) Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.
- (8) The placement of structures or materials within the road right-of-way, including mail boxes, signs or landscaping, shall be subject to the standards set forth in these regulations, the *Windsor Zoning Regulations*, and municipal policies and ordinances regarding road and highway maintenance. No such structure or materials shall be placed in a manner which impairs visibility (site distance) from any road or driveway intersection.

(D) **Road Construction Standards.** Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as most recently amended.

(E) **Intersections.** A new or relocated road, and any driveway, shall be located so that:

- (1) a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mph speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
- (2) the intersection is directly opposite an existing road or driveway to form a four-way intersection, if feasible – intersections creating centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted;
- (3) the intersection intersects the existing road at an angle of between seventy (70) and ninety (90) degrees;
- (4) the intersection grade does not exceed plus or minus three (3) percent, and;
- (5) no structure or planting is situated to impair visibility.

(F) **Drainage & Stormwater.** A stormwater drainage system shall be provided which is designed to control and accommodate stormwater collected on all proposed roads and/or parking areas in accordance with Section 3.4 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.

(G) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(H) **Access Management.** To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Windsor Selectboard in the case of town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.
- (2) To promote shared driveways and/or internal development roads providing access to multiple lots, subdivisions shall comply with the provisions of Section 4.1 of the *Windsor Zoning Regulations*.
- (3) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access impractical.
- (4) Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided.
- (5) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(I) **Traffic & Road Capacity.** Traffic generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the

applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards.
- (2) In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.
- (3) In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards.
- (4) Where a subdivision requires expenditures by the town to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured. The subdivider may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.

(J) **Road Names & Signs.** Roads shall be named in accordance with Windsor road naming policies, as approved by the Selectboard, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. The Town, at its sole discretion, may assume responsibility for providing and installing road name signs.

(K) **Driveways.** Driveways serving three or fewer lots shall meet the standards set forth in Section 4.1 of the *Windsor Zoning Regulations*. In addition, driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of fragile features and natural and cultural resources described in Section 3.2.

(L) **Modification of Road Standards.** In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road:

- is accessible by emergency response vehicles;
- does not pose any threat to the safety of motorists or pedestrians;
- will not result in unreasonable maintenance requirements for landowners; and
- is designed in a manner that is consistent with other applicable standards of these regulations.

(M) **Parking & Transit Stops.** For major subdivisions located on existing or proposed public transit routes, sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design. Major residential subdivisions shall also incorporate one or more sheltered school bus stops as appropriate.

(N) **Pedestrian Access.** The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities.

- (1) The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.
- (2) Unless specifically waived by the Board, sidewalks shall be required along internal streets of all major subdivisions located within the Medium Density Residential (MDR) Districts, High Density Residential (HDR) District, Central Business (CB) District and Industrial (I) District. Sidewalks shall also be required to connect such major subdivisions to existing sidewalks on adjoining properties.

**(O) Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of way is intended to be accepted by the town. In the event that the right-of-way is not intended for acceptance by the town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association or through other legal mechanisms. Such documentation shall be in a form approved by the Board and filed in the Windsor Land Records.

### **SECTION 3.8 WATER SUPPLY & WASTEWATER DISPOSAL**

**(A) Water Supply.** Water supply systems shall be designed and built to meet all applicable state and municipal requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department.

**(B) Individual Systems.** On-site sewage disposal systems shall be designed in accordance with the applicable Vermont Department of Environmental Conservation regulations. Technical information, including soils analysis and septic design, shall be prepared by a professional Vermont-licensed engineer, or a Certified Site Technician, who shall certify that the proposed system complies with the aforementioned rules. In the event that an off-site disposal system is proposed, such system shall be secured through an easement or other form of legal conveyance.

**(D) Connection to Existing System.** Where connection to an existing water or wastewater system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary to serve the proposed development. The Board also may require that the subdivider provide, or have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

**(E) Community Systems.** Proposed development may be serviced by private, community water and/or wastewater systems which shall be designed and installed in accordance with all applicable municipal and state regulations and standards.

**(F) Waivers.** In the event that the subdivider is proposing the creation of a lot(s) not requiring water or wastewater systems, the Board may waive the provisions of these regulations pertaining to water and

wastewater disposal, providing that the plat recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the subdivider submits an affidavit to the Board stating his/her intent which will be incorporated as a condition of subdivision approval.

### **SECTION 3.9 UTILITIES**

(A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board due to site conditions.
- (2) The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland and other designated open space, and any adverse impacts to natural, cultural or scenic resources (see Section 3.2) and public health.

(B) **Easements.** Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

### **SECTION 3.10 DEDICATION OF OPEN SPACE AND COMMON LAND**

(A) **Preservation of Open Space.** The preservation of open space is strongly encouraged, and shall be required for Planned Residential Developments (PRD) approved in accordance with Section 5.5 of the *Windsor Zoning Regulations*. Designated open space may include the portion of a single lot outside of the development envelope which is characterized by one or more of the features referenced in Section 3.2 and/or, where necessary, may encompass the contiguous boundaries of such features located on multiple lots. Open space shall be designated in accordance with the aforementioned PRD standards and the legal requirements set forth in subsection (C), below.

(B) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(C) **Legal Requirements.** The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Board, to the Town of Windsor, a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.



## **ARTICLE 4. ADMINISTRATION & ENFORCEMENT**

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### **SECTION 4.1 ADMINISTRATION**

These regulations shall be administered by the Windsor Development Review Board, as authorized by the Act [§4401].

### **SECTION 4.2 FEES**

(A) Application fees for minor subdivision approval, major subdivision preliminary approval, or major subdivision final approval shall be established by the Selectboard. Such fee(s) shall include the costs for publishing hearing notices, and conducting public hearings, administrative review and for periodic inspections by town retained consultants during the installation of public improvements.

(B) Should the Development Review Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, and/or to conduct inspections to ensure compliance with approved plans, all costs of such review shall be paid by the subdivider/applicant.

### **SECTION 4.3 HEARING NOTICE REQUIREMENTS**

(A) All public hearings required under these regulations shall be warned in accordance with the Act [4414, 4447]. Such notice shall include the publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town, and the posting of such notice in one or more public places within the town, not less than fifteen (15) days prior to the hearing date. Notice of the hearing shall be sent by mail to the applicant. In the event that the hearing is cancelled due to inclement weather or some other unanticipated cause, a notice of cancellation shall be posted on the door of the municipal building (or other meeting location, as appropriate). The notice of cancellation may include the date, time and location that the postponed hearing will be convened.

(B) A copy of such notice shall be sent at least fifteen days prior to the public hearing to the Southern Windsor Regional Planning Commission and, in the case of a plat located within 500 feet of a municipal boundary, the Clerk of an adjacent municipality.

### **SECTION 4.4 ENFORCEMENT & PENALTIES**

(A) The enforcement of these regulations shall be the responsibility of the Administrative Officer in accordance with the Act [§§4442, 4445].

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4444] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4444]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violations.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4445] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

(E) The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4496].

#### **SECTION 4.5 APPEALS**

(A) Any decision of the Development Review Board may be appealed to by an interested person to the Vermont Environmental Court in accordance with the Act [§§4475, 4471].

(B) "Interested person" for the purposes of appeal shall be defined pursuant to the Act [§4464].

(C) The notice of appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the Development Review Board.

#### **SECTION 4.6 TOWN RECORDING REQUIREMENTS**

Pursuant to the Act [§4443(c)], within 30 days after a municipal permit relating to land, structures, and other improvements to land, including any approval for land subdivision, or within 30 days of the issuance of any notice of violation, the Administrative Officer or other appropriate municipal official shall deliver a notice of violation or memorandum or notice of recording to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a) or (b). The applicant may be charged for the cost of recording fees.

**Interested Person.** In accordance with the Act [§4464 (b)], the definition of an interested person includes the following:

- The Town of Windsor or an adjoining municipality;
- A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town;
- Any ten (10) persons owning real property within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the plan or regulations of the Town; and
- Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

## ARTICLE 5. DEFINITIONS

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### Section 5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the *Windsor Zoning Regulations* shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Windsor Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

### Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

**Act:** The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

**Abutter:** The owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided by having a common border, or being separated from such a common border by a right-of-way, alley, or easement.

**Approval:** A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

**Authorized Agent:** A person or group of persons who have been duly authorized, in writing filed with the Board by the owner of record to act on his or her behalf.

**Buffer:** A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

**Common Land:** Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

**Community Sewage Disposal System:** Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

**Community Water System:** Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

**Cul-de-Sac:** A road intersecting another road at one end, and terminated at the other end by a vehicular turnaround.

**Development Envelope:** A specific area delineated on a lot within which all structures and other designated site improvements (e.g., parking area) are to be located, and outside of which no structures are to be located. The Board may, as a condition(s) of plat approval, limit other site development activities, such as cutting, outside of the building envelope.

**Driveway:** A minor, private travel way, serving up to three adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

**Erosion Control:** Measures to prevent the detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

**Final Plat:** The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

**Lot:** Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

**Major Subdivision:** Any residential subdivision containing five (5) or more lots, all lots created from a single parcel within the past five (5) years or as otherwise determined by the Development Review Board.

**Minor Subdivision:** Any residential subdivision containing fewer than five (5) lots, including lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or as determined by the Development Review Board in accordance with Section 2.2.

**Open Space:** The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

**Phasing:** Development undertaken in a logical time and geographical sequence, typically to ensure that development is coordinated with the provision of services and facilities and will not result in adverse environmental impacts (e.g., erosion).

**Preliminary Plan:** The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

**Primary Agricultural Soils:** Soil types designated as “prime” or “statewide” by the United States Natural Resource Conservation Service.

**Resubdivision:** Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

**Ridgeline:** The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

**Sketch Plan:** An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board at the Discussion Phase as the form of the subdivision and objective and requirements of these regulations.

**Slope:** The deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Stormwater Management:** The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

**Street:** Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving four or more lots.

**Subdivider:** Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

**Subdivision:** The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

**Town Plan:** The *Windsor Town Plan* as most recently adopted.

**Wetlands:** To include all wetlands identified on Vermont Wetlands Inventory maps as provided by the Vermont Agency of Natural Resources and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.